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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,421	03/06/2001	J. Kelly Kindig	50100-00230	2555
7590 02/23/2005			EXAMINER	
MARSH FISCHMANN & BREYFOGLE LLP			RIDLEY, BASIA ANNA	
3151 S. Vaughr			(
Aurora, CO 80014			ART UNIT	PAPER NUMBER
			1764	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicatin No. Applicatin (S) Og/800/421 Examiner Basis Ridley I764 Art Unit Examiner Basis Ridley I764 Art Unit I7				מגו
### Examiner ### Art Unit 1764 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of time may be available under the provisions of 37 CFR 1.13(a)s. In so event, however, may a reply be limited by the control of the provision of 43 CFR 1.13(a)s. In so event, however, may a reply be limited by the control of the provision of 43 CFR 1.13(a)s. In so event, however, may a reply be threely filled after SIX (6) MONTHS from the mailing date of this communication. Failure to reply is condition and the provision of 43 CFR 1.13(a)s. In so event, however, may a reply be threely filled on the sound of the control of the con		Application No.	Applicant(s)	
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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention I, claims 1-15 in the reply filed on 9 December 2004 is acknowledged.

- 2. Since the applicant elected Invention I, a further restriction to a distinct species, as set forth below, is required.
- 3. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, as shown in Fig. 1-2;

Species B, as shown in Fig. 3-4;

Species C, as shown in Fig. 7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (571) 272-1453.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Technical Center 1700 General Information Telephone No. is (571) 272-1700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Basia Ridley Examiner

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BR

February 22, 2005